

Other editors speak

FPink
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Court, CIA, press

Almost casually, a near-unanimous U.S. Supreme Court has compromised freedom of the press and free speech by allowing the Central Intelligence Agency to censor a critical book by a former CIA employe.

51 The former CIA agent is
52 Victor Marchetti, who with John
53 D. Marks wrote a book, "The
54 CIA and the Cult of
55 Intelligence," which was
56 published without some sections,
57 stricken by agency officials. The
58 Supreme Court refused to
59 review a lower-court decision,
60 denying Mr. Marchetti's suit to
61 have the censored portions
62 reinstated.

63 The court thus sanctioned —
64 blithely and in a relatively
65 obscure case — the prior
66 restraint long considered
67 anathema to the Bill of Rights.
68 The effect of the decision is to
69 encourage government agencies
70 unhappy about proposed books
71 by former employes to suppress
72 such writings — on the pretext of
73 their choice.

74 Unlike other nations,
75 including Great Britain, the
76 United States has no "official
77 secrets" act to allow the
78 government to censor
79 newspapers in the name of
80 national security. Nor are there
81 laws, such as also exist in
82 Britain, prohibiting the press
83 from discussing matters under
84 litigation.

85 The reason for the absence of
86 such opportunities for
87 censorship is a strict and literal
88 construction of the First
89 Amendment to the Constitution,
90 which prefers the risk of license
91 to the risk of thought-control.
92 This tradition does not release
93 American citizens — or
94 publishers — from the
95 responsibility to be law-abiding.
96 Libel laws exist for the
97 prosecution of those who abuse
98 freedom of the press by
99 malicious distortion of the facts.
100 Treason and espionage laws

provide a similar punishment for the publication of troop movements or other truly vital defense secrets.

What makes the Supreme Court action in the Marchetti case doubly disturbing is that the court allowed prior restraint not for reasons of national security but to enforce a contract between private parties — a secrecy agreement signed by Mr. Marchetti when he joined the agency. The court

upheld the CIA's argument that in signing the agreement Mr. Marchetti effectively forfeited the First Amendment rights that would have protected his right to publish.

The CIA is not the only government agency which could suffer embarrassment from published criticism by former employes. The encouragement offered by the Supreme Court's action will make prior restraint, no matter how repugnant to our constitutional traditions, increasingly attractive.

Our hope is that the next time this issue reaches the court, the justices will insist on hearing the case themselves, rather than rely on the record of proceedings at a lower level. And we further hope that that, after hearing those arguments, the court will change its position. — PITTSBURGH POST-GAZETTE.